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Express Mail No.: EV 570995815 US

PATENT APPLICATION

Docket: 15436.53.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application of:

Freeman et al.

Serial No.:

10/688,375

Filed:

October 17, 2003

Conf. No.:

2218

For:

OPTICAL TRANSCEIVER PACKAGE WITH A
LIQUID CRYSTAL
VARIABLE OPTICAL ATTENUATOR

Examiner:

Kenneth A. Parker

Customer No.:

022913

Art Unit
2871

MAIL STOP: AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In the Office Action mailed March 23, 2005 (the "Office Action"), the Examiner set forth a Restriction Requirement that identified what the Examiner has characterized as six (6) distinct inventions. In particular, the Examiner suggested in the Office Action that the present application contains claims directed to the following six inventions:

I. - Claims 3, 8 and 14, drawn to the optical devices with TN cell, classified in class __ (class not identified by the Examiner in the Office Action), subclass 1;

II. - Claims 5 and 12, drawn to the optical devices with a semiconductor or gas laser, classified in class 349, subclass 1;

II. - Claims 6 and 13, drawn to the optical devices with a distributed feedback laser, classified in class 349, subclass 1;

III. - Claims 9 and 18, drawn to the optical devices with a lens in a particular location, classified in class 349, subclass 1;

IV. - Claim 16, drawn to the optical devices with garnet, classified in class 349, subclass 1;
and

V. - Claim 17, drawn to the optical devices with a permanent magnet, classified in class 349, subclass 1.

As indicated above, the Examiner has listed "Invention II" twice in the Office Action - accordingly, Applicant believes that the above-identified inventions should be renumbered as follows: "Invention II" corresponding to claims 6 and 13 should be renumbered "Invention III;" "Invention III" corresponding to claims 9 and 18 should be renumbered "Invention IV;" "Invention IV" corresponding to claim 16 should be renumbered "Invention V;" and, "Invention V" corresponding to claim 17 should be renumbered "Invention VI."

In response to the Restriction Requirement set forth in the Office Action, *Applicant hereby elects the invention corresponding to claims 6 and 13* (presently identified as "Invention II" by the Examiner, but should be renumbered "Invention III" as explained above), directed to optical devices with a distributed feedback laser, for examination, without traverse.

Applicant notes that the Examiner has stated in the Office Action that "all non-listed claims are consider linking claims, and will be examined with the elected group." While the Examiner has not stated as much in the Office Action, Applicant notes that "should any linking claim be allowed,

the restriction requirement must be withdrawn. Any claim(s) directed to the nonelected invention(s), previously withdrawn from consideration, which depends from or includes all the limitations of the allowable linking claim must be rejoined and will be fully examined for patentability." *See, e.g.*, Manual of Patent Examining Procedure §§ 809, 809.03.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

DATED this 5TH day of April, 2005

Respectfully submitted,



PETER F. MALEN JR.

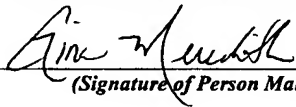
Attorney for Applicants

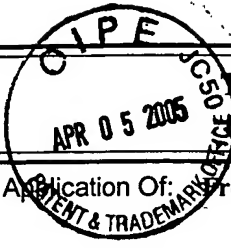
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CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)			Docket No. 15436.53.1	
Applicant(s): Freeman et al				
Serial No. 10/688,375	APR 05 2005 Filing Date October 17, 2003	Examiner Kenneth A. Parker	Group Art Unit 2871	
Invention: OPTICAL TRANSDUCER PACKAGE WITH A LIQUID CRYSTAL VARIABLE OPTICAL ATTENUATOR				
<p>I hereby certify that the following correspondence:</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"><p>Response to Restriction Requirement (3 pgs); Transmittal Letter (1 pg in duplicate) and Postcard</p></div> <p style="text-align: center;"><i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p style="text-align: center;"><u>April 5, 2005</u> (Date)</p> <div style="text-align: right; margin-top: 20px;"><div style="margin-bottom: 10px;"><u>Gina Meredith</u> (Typed or Printed Name of Person Mailing Correspondence)</div><div style="margin-bottom: 10px;"> (Signature of Person Mailing Correspondence)</div><div><u>EV 570995815 US</u> ("Express Mail" Mailing Label Number)</div></div>				
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TRANSMITTAL LETTER (General - Patent Pending)	Docket No. 15436.53.1
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In Re Application Of: **Freeman et al.**

Application No. 10/688,375	Filing Date October 17, 2003	Examiner Kenneth A Parker	Customer No. 022913	Group Art Unit 2871	Confirmation No. 2218
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Title: OPTICAL TRANSCEIVER PACKAGE WITH A LIQUID CRYSTAL VARIABLE OPTICAL ATTENUATOR

COMMISSIONER FOR PATENTS:


Transmitted herewith is:

Response to Restriction Requirement (3 pgs); Transmittal Letter (1 pg in duplicate); Certificate of Mailing by "Express Mail" and Postcard

in the above identified application.

- ☒ No additional fee is required.
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Signature

Dated: April 5TH, 2005

Peter F. Malen, Jr.
Attorney for Applicants
Reg. No. 45,576
Telephone No. 801-533-9800

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